

gas pipeline. Even the Vice President has said natural gas is vital for home heating and electricity and fuel for the future. Mr. President, 50 percent of U.S. homes, or 56 million homes, use natural gas for heating. It provides 15 percent of the Nation's electric power; and 95 percent of our new electric power plants will be powered by natural gas as a fuel, partially of choice but partially of necessity. You cannot build a coal-fired plant; you cannot build a nuclear plant; you cannot build a new hydroelectric plant. Where are you going to go? You are going to go to natural gas. You can get a permit. But all the emphasis of the electric industry is towards natural gas. Putting on more pressure increases the prices, as I said, from \$2.16 a year ago to just over \$4.50 today. The ratepayers are going to be paying this. They just have not seen it yet. It has not been included in your electric bills, but it will be very soon, and you will feel it in your heating bill.

The administration has refused to allow exploration or production of natural gas on Federal lands. There are huge areas of the overthrust belt in Oklahoma, Montana, Wyoming, and Colorado that have been off limits. The administration has withdrawn about 60 percent of the productive area for oil and gas discoveries since 1992.

The difficulty we are having here is, as they put Federal lands off limits to new natural gas production, we find ourselves with simply no place to go other than the offshore areas of Texas and Louisiana and the offshore areas of Mississippi and Alabama as the major areas of OCS activity. My State of Alaska and California are off limits; the East Coast is off limits. They have withdrawn huge areas from our Forest Service—roadless areas. They have put on a moratorium from OCS drilling until 2012 in many areas. The Vice President would even cancel existing oil and gas leases. Where is the energy going to come from?

The Vice President said during his first debate:

We have to bet on the future and move away from the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

I buy that, and so does the American public. But he forgets to be specific: Where? How? Why? How much? Where are you going to get the energy?

I think we all agree in this case our energy strategy should include improved energy efficiency as well as expanded use of alternative fuels and renewable energy. But we are still going to need energy from oil, natural gas, hydroelectric and nuclear, and we are not bringing these other sources into the mix.

The Vice President said he would make a bet. He will bet on diminishing the supply of conventional fossil fuels such as oil and natural gas. That is his

bet, that you would like that; that you would be more than willing to pay higher prices for energy and make renewables more competitive. You would like that. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote in this body to raise the gasoline tax.

This is in his book "Earth In The Balance." Clearly, he wants to raise energy prices to effect conservation. But the reality is, as we put more central controls on energy use, he would have us set a standard for each part of your everyday life. He would tell you what kind of energy you could use, how much of it you could use, how much you would have to pay for it. That is part of it. That is in his book.

By contrast, Governor Bush would harness America's innovation to use the energy resources of today to give us the technologies of tomorrow. Governor Bush will set aside the up-front funds from leasing Federal lands for oil and gas, so-called bid bonuses, to be earmarked for basic research into renewable energy. Production royalties for oil and gas leases will be invested in energy conservation and low-income family programs such as LIHEAP and other weatherization assistance.

Using new tax incentives, Governor Bush will expand the use of renewable energy in the marketplace, building on a successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, some 2,000 new megawatts.

Governor Bush will maintain existing hydroelectric dams and streamline the FERC relicensing program. We know the current administration wants to take down some of the dams in the Pacific Northwest. Governor Bush will responsibly address the risks posed by global climate change through investing in getting clean energy technologies to the market.

The Vice President would rather have us ratify and implement a costly and flawed Kyoto Protocol that puts the United States at an economic disadvantage.

Some of us remember the vote we had here with respect to climate change and the Kyoto Protocol—the Byrd/Hagel Resolution. I think it was 95-0. The administration asked for our opinion. We are a body of advice and consent. We gave our advice. I think that vote pretty much indicates a lack of consent. That particular proposal exempts the largest emitters of greenhouse gases, China and India.

In conclusion, the bottom line is there is a clear contrast between the candidates on the subject of energy policy. The Vice President wants to raise prices to limit supply of fossil energy which makes up currently over 80 percent of our energy needs. We wish it were less, but that is the reality. He

wants to replace it with solar, wind, biomass—technologies that are promising but they are simply not available or affordable at this time.

Governor Bush will expand domestic production of oil and natural gas, ensuring affordable and secure supplies, reducing energy costs, and keeping inflation at bay. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources of tomorrow.

The choice for consumers is very clear.

Let me leave you with one thought with regard to our foreign policy. Currently we are importing about 600,000 barrels a day from Iraq. I know the occupant of the chair recalls in 1991 and 1992 when we fought a war, the Persian Gulf war, we had 147 American service personnel who gave their lives in that war, with 427 wounded; we had 23 taken prisoner. How quickly we forget.

Now we are over there enforcing, if you will, an aerial blockade, a no-fly zone. We have flown over 300,000 sorties, individual missions, enforcing the no-fly zone over Iraq. We have bombed; we have fired; we have intercepted. Fortunately, we have not suffered a loss. But what kind of foreign policy is it where we buy his oil, put it in our airplanes, and go over and bomb him? I leave you with that thought, and I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The distinguished Senator from Iowa is recognized.

BANKRUPTCY

Mr. GRASSLEY. Mr. President, we had an opportunity to listen to 2 hours of debate and speeches from some on the other side of the aisle earlier this afternoon trashing a piece of legislation and the process connected with that legislation that originally passed the Senate 83-14 earlier this year.

I have heard the Senator from Minnesota and others complain about the process of getting the bankruptcy bill to the floor. It seemed to me, as I listened to what he said that it is almost an unbelievable thing for him to say that. The Senate passed the bankruptcy bill after weeks of debate and after disposing of literally hundreds of amendments. The Senator from Minnesota objected to going to the conference committee in the regular order. We tried to do things in the regular way, but he was one of those Senators who blocked our efforts to get to conference.

I think the speeches we have heard this afternoon, particularly from the Senator from Minnesota, are misleading. It is very misleading for Senator WELLSTONE to pretend he is not the reason for this bill not moving in the regular way and then to find fault with the unconventional way in which we finally did it.

Also, looking at that process, there are few conference committees around here that have an equal number of Democrats and Republicans. This conference committee had three Democrats and three Republicans. So obviously Democrats had to sign the conference report, or we would not even have it before us. But that is the way this process has been—not only this year but last year and the year before and the year before.

We have been trying to bring about badly needed bankruptcy reform. It has been done in a bipartisan way. The best evidence of that bipartisanship, both from the standpoint of substance and the standpoint of the process, is the 83-14 vote by which the original bill passed the Senate and Democrats signing the conference report that is now before us. So I am glad we finally have a chance to get to debate on the merits of the bankruptcy reform conference report.

Today is Halloween. That is an appropriate day to take the bill up because of our liberal friends who have tried to dress the bankruptcy bill in a scary costume in a tired effort to frighten the American people for crass political purposes. The fact is, the bankruptcy reform bill we are going to vote on tomorrow will do a lot of good for the American people and for the economy.

Remember, we are talking about 1.4 million bankruptcies. Remember, we are talking about a very dramatic explosion of bankruptcies just in the last 6 or 7 years. Remember, the last time we had bankruptcy reform, there were about 300 thousand bankruptcies filed per year.

That is up to 1.4 million. It is a cost to the economy for every working family in America of paying \$400 per year more for goods and services because somebody else is not paying their debt.

I want to summarize a few things that this bill will do that my colleagues may not know about as a result of the disinformation campaign waged by our liberal opponents.

Right now, for instance, farmers in my State of Iowa, and for that matter in Minnesota and all across the country, have no protections against foreclosures and forced auctions. That is because chapter 12 of the bankruptcy code, which gives essential protections for family farmers, expired in June of this year.

Why did chapter 12 expire leaving farmers without a last-ditch safety net? The answer is that chapter 12 ceased to exist because the Senator from Minnesota blocked us from proceeding on this bankruptcy bill we have before us.

The bankruptcy bill will restore chapter 12 on a permanent basis. Never again will Iowa farmers or even Minnesota farmers be left with no defense against foreclosures and forced auc-

tions. Congress will fail in its basic responsibilities to the American farmer if we fail to restore chapter 12 as a permanent part of the bankruptcy code.

The bankruptcy bill does more for farmers than just make protections for farmers permanent. The bankruptcy bill enhances these protections and makes more Iowa farmers, more American farmers, and even more Minnesota farmers eligible for chapter 12. The bankruptcy bill lets farmers in bankruptcy avoid capital gains taxes. This will free up resources that would have otherwise been forced to go to the Federal Treasury, that would otherwise go down the black hole of the IRS, to be invested in farming operations.

We have a real choice. The Senate can vote as the Senator from Minnesota wants us to vote and the Senate can kill this bill, or we can stand up for American farmers and Minnesota farmers. We can do our duty and make sure that family farms are not gobbled up by giant corporate farms. We can give our farmers a fighting chance. I hope the Senate will stand up for our farmers. I hope the Senate does not give in to the bankruptcy establishment that has decided to fight bankruptcy reform no matter who gets hurt, including the Iowa farmer, the Minnesota farmer—the American farmer.

What else is in this conference report? The bankruptcy bill will give badly needed protection for patients in bankrupt hospitals and nursing homes. About 10 percent of the nursing homes in America are in bankruptcy, so this is a real problem for senior citizens of America. The Senate protected these people by unanimously adopting an amendment which I offered. Again, my colleagues may be unaware of the importance of this provision because the opponents of bankruptcy reform do not want us to realize what killing the bankruptcy reform bill will really do for those people who are in bankrupt nursing homes.

I had hearings on patients in bankrupt nursing homes. As my colleagues know, Congress is trying to put more money into nursing homes through the Medicare replenishment bill. Because we have so many nursing homes that are in bankruptcy, the potential for harm is very real.

Through the hearing process in committee, I learned of a situation in California where a bankruptcy trustee simply showed up at a nursing home on a Friday evening and evicted the residents. The bankruptcy trustee did not provide any notice that this was going to happen. He literally put these frail, elderly people out into the street and changed the locks so they could not get back into the nursing home. The bankruptcy bill that we will vote on tomorrow will prevent this from ever happening again. If we do not stand up and say that the residents of nursing homes cannot just be thrown out into the

street, then Congress will have failed in its duty to the senior citizens of America.

Again, we have a choice: We can vote this bill down and tell nursing home residents and their families that they can just go fly a kite. I hope the Senate is better than that. I hope the Senate stands for nursing home residents and not for inside-Washington liberal special interest groups that are trying to make a case against this bill but just cannot make a case against the bill. We have not heard them talking about helping farmers through chapter 12. We have not heard them talk about helping nursing home residents through the provisions that are in the Patients' Bill of Rights for nursing home residents.

There is more to this bill. The bankruptcy reform bill contains particular provisions advocated by Federal Reserve Chairman Alan Greenspan and by Treasury Secretary Larry Summers. I hope the Senator from Minnesota takes note of those two people being appointed by the President of the United States, Larry Summers being a member of this administration as Secretary of the Treasury, to whom some from the other side of the aisle ought to listen.

These provisions will strengthen our financial markets and lessen the possibility of domino-style collapses in the financial sector of our economy. According to both Chairman Greenspan and Secretary Summers, these provisions will address significant threats to our prosperity, the very prosperity that their candidate for President is out talking about every day saying it ought to be protected.

Yet again, we have a choice: We can strengthen our financial markets by passing this bill, or we can side with the liberal establishment and fight reform, no matter what the cost is to our society, our economy, the farmers, or the people in nursing homes.

The American people want us to strengthen the economy, not turn a deaf ear to the pleas for help from the Chairman of the Federal Reserve Board and from the Treasury Secretary. I hope the Senate decides to vote to safeguard our prosperity, not put it at risk.

The Senator from Minnesota said he wanted us to learn more about the bankruptcy bill. I do, too. Once we look at this bill in its totality I am confident that the Members of this body will see this is a responsible approach, that we will then do the responsible thing: We will vote for cloture, and then we will also do final passage.

There is an issue about how the bankruptcy bill will impact people with high medical expenses. Earlier this year, I addressed this very issue, but I want to reassure my colleagues who have remaining questions about this that we have taken care of the problems they have legitimately raised. I do not find fault with their

raising them; I only find fault with the fact that we have taken care of them and they have not found it out yet. Before the vote tomorrow morning, I want them to find it out. I want the Senator from Minnesota and I want my friend and colleague from the State of Iowa who raised this issue to be aware of it as well.

My friend from Iowa was quoted in the Des Moines Register Sunday as saying about this bill: I am not for it. I think it's a bad bill. He talked with bankruptcy lawyers who said that it will hit hardest those who rack up big bills due to medical problems.

As to the Time magazine article that was referred to earlier by the Senator from Minnesota which alleged that medical expenses drove some of the families profiled into bankruptcy, I would just say that this is flat out wrong.

To the extent any person in bankruptcy has medical expenses, the bankruptcy bill deals with this issue in two ways.

The General Accounting Office to look at the provisions of this bill from the point of view of medical expenses. You can see from this report that came from the General Accounting Office that all medical expenses that are deducted in determining whether you have the ability to go to chapter 7 or chapter 13. The bill is very clear health care expenses are covered because of "other necessary expenses" include such expenses as charitable contributions, child care, dependent care, health care, payroll deductions, life insurance, et cetera. All of these are used in determining your ability to repay your debts.

So anybody who comes to the floor of the Senate and says that we do not take medical costs into consideration in determining this—those colleagues have not read the bill.

There is one additional thing. Somebody can make a case that this does not take care of all of the instances. I do not know how much clearer it can be. But we still have application to the bankruptcy judge, under special circumstances, to argue any case you want to of something that should be taken into consideration in your ability to repay debt. Medical expenses, obviously, fall into that category if this provision is not adequate. But I do not know how much clearer it can be than when you say medical expenses are things that are deductible in making your determination of ability to pay.

Several Senators have also, today, made reference to the issue of whether we need to modify the bankruptcy laws to prevent violent abortion protesters from discharging their debts in bankruptcy court. Now the fact is, our current law already prevents this from happening.

I am releasing today a memo to me from the nonpartisan Congressional

Research Service that says, without a doubt, no abortion protester has ever, ever gotten away with using bankruptcy as a shield. So I hope my colleagues listen to this nonpartisan source and not the partisan political statements that were made yesterday on the Senate floor in regard to this.

I want to put this in the RECORD, Mr. President, so I know that this is clearly stated. I ask unanimous consent that this memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 26, 2000.
MEMORANDUM

To: Hon. Charles Grassley,
From: Robin Jeweler, Legislative Attorney,
American Law Division.

Subject: Westlaw/LEXIS survey of bankruptcy cases under 11 U.S.C. § 523.

This confirms our phone conversation of October 25, 2000. You requested a comprehensive online survey of reported decisions considering the dischargeability of liability incurred in connection with violence at reproductive health clinics by abortion protesters.

The only reported decision identified by the search is *Buffalo Gyn Womenservices, Inc. v. Behn* (In re Behn), 242 B.R. 229 (Bankr. W.D.N.Y. 1999). In this case, the bankruptcy court held that a debtor's previously incurred civil sanctions for violation of a temporary restraining order (TRO) creating a buffer zone outside the premises of an abortion service provider was nondischargeable under 11 U.S.C. § 523(a)(6), which excepts claims for "willful and malicious" injury. The court surveyed the extent and somewhat discrepant standards for finding "willful and malicious" conduct articulated by three federal circuit courts of appeals. It granted the plaintiff's motion for summary judgment and denied the debtor/defendant's motion to retry the matter before the bankruptcy court. Specifically, the court held:

"[W]hen a court of the United States issued an injunction or other protective order telling a specific individual what actions will cross the line into injury to others, then damages resulting from an intentional violation of that order (as is proven either in the bankruptcy court or (so long as there was a full and fair opportunity to litigate the question of violation and violation) in the issuing court) are ipso facto the result of a 'willful and malicious injury.'"—242 B.R. at 238.

Mr. GRASSLEY. In other words, once again, just to make it very clear the Congressional Research Service has searched every known case, and I have here, as my colleagues can read, the only case that is available, in which the result is that an abortion protester wasn't able to discharge his debts. The court was very clear that they were not able to get a discharge for that purpose.

Mr. President, I see my friend from New Jersey, who is on the other side of the aisle but very supportive of our legislation, who needs time because he supports this legislation from our side of the aisle. So I am going to quit at

this point. I ask if I can have the floor back after he has finished.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I ask unanimous consent to do that, so I can defer to the Senator from New Jersey right now.

Mr. ENZI. Reserving the right to object—

Mr. GRASSLEY. I will ask this way, that when the Senator from New Jersey has finished, to give the Senator from Wyoming the floor, and then me, because I want to continue presenting our case on the bankruptcy reform.

The PRESIDING OFFICER. Is the Senator from Iowa yielding time to the Senator from New Jersey? The Republicans control the time.

Mr. GRASSLEY. Yes. I intend to do that.

The PRESIDING OFFICER. How much time—

Mr. GRASSLEY. How much time does the Senator need?

Mr. TORRICELLI. Twelve minutes.

Mr. GRASSLEY. Twelve minutes.

The PRESIDING OFFICER. Without objection, 12 minutes are yielded to the Senator from New Jersey.

Mr. TORRICELLI. I thank the Chair.

BANKRUPTCY

Mr. TORRICELLI. Mr. President, for the last 4 years, my colleague, Senator GRASSLEY, has shown extraordinary patience and considerable leadership in bringing this institution towards fundamental and fair reform of the bankruptcy laws. It has not always been a popular fight, but it is unquestionably the right thing to do for consumers, for business, and perhaps most importantly, for small businesses, family-owned businesses, that are often victimized by abusers.

Everyone, I think, generally agrees, within reason, that there is a need for bankruptcy reform. The question, of course, has been how to do that. In the last Congress, we came extremely close to bipartisan reform. Having come so close in the 105th Congress, I inherited the role as the ranking member of the subcommittee with jurisdiction, and I felt some optimism that we could succeed.

Since that time, working with Senator GRASSLEY, I think we have dealt with most of the critical issues. He has been extremely cooperative. Indeed, Members on both sides of the aisle have had suggestions, changes, most of which have been incorporated. Overwhelmingly, Senators who had problems with the bill and individual changes have been accommodated in both parties.

So today we bring to the floor the culmination of 2 years of work, of refining something that had been worked on for the 2 years before that—4 years—with many Members of the institution, and overwhelmingly Members who have voted for it.